



www.cn.ca

Law

Thomas J. Healey
Counsel - Regulatory

17641 S Ashland Avenue
Homewood, IL 60430-1339

T - 708-332-4381
F - 708-332-4361
tom.healey@cn.ca

June 12, 2008

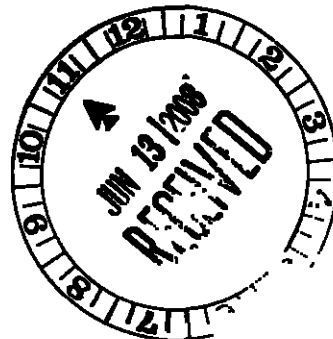
VIA OVERNIGHT COURIER

Ms. Anne K. Quinlan,
Acting Secretary
395 E. Street, N.W.
Washington, DC 20424

ENTERED
Office of Proceedings

JUN 13 2008

Part of
Public Record



Re: Finance Docket No. 35045 - Amendment to Trackage Rights Agreement between Duluth, Missabe and Iron Range Railway Company and Duluth, Winnipeg and Pacific Railway Company

Finance Docket No. 35046 - Amendment to Trackage Rights Agreement between Duluth, Winnipeg and Pacific Railway Company and Duluth, Missabe and Iron Range Railway Company

Finance Docket No. 35047 - Trackage Rights Agreement between Duluth, Missabe and Iron Range Railway Company and Wisconsin Central Ltd.

Finance Docket No. 34048 - Trackage Rights Agreement between Duluth, Winnipeg and Pacific Railway Company and Wisconsin Central Ltd.

Finance Docket No. 35049 - Trackage Rights Agreement between Wisconsin Central Ltd. and Duluth, Missabe and Iron Range Railway Company

Finance Docket No. 35050 - Trackage Rights Agreement between Wisconsin Central Ltd. and Duluth, Winnipeg and Pacific Railway Company

Dear Secretary Quinlan,

Enclosed for filing in the above-captioned proceeding are an original and ten copies of a Motion to Continue Proceeding in Abeyance. A disk containing the caption summary is enclosed.

Acting Secretary Anne Quinlan
June 12, 2008
Page Two

I have included an extra copy of this transmittal letter and request that you date stamp this to show receipt of this filing and return it to me in the envelope provided.

Please feel free to contact me should any questions arise regarding this filing. Thank you for your assistance on this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tom Healey". The signature is written in a cursive, slightly slanted style.

Thomas J. Healey

Enc.

cc: Dan Elliott

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

* * * * *

STB Finance Docket No. 35045

TRACKAGE RIGHTS AGREEMENT

Between

DULUTH, MISSABE AND IRON RANGE RAILWAY COMPANY

And

DULUTH, WINNIPEG AND PACIFIC RAILWAY COMPANY

* * * * *

STB Finance Docket No. 35046

TRACKAGE RIGHTS AGREEMENT

Between

DULUTH, WINNIPEG AND PACIFIC RAILWAY COMPANY

And

DULUTH, MISSABE AND IRON RANGE RAILWAY COMPANY

* * * * *

STB Finance Docket No. 35047

TRACKAGE RIGHTS AGREEMENT

Between

DULUTH, MISSABE AND IRON RANGE RAILWAY COMPANY

And

WISCONSIN CENTRAL LTD.

* * * * *

STB Finance Docket No. 35048

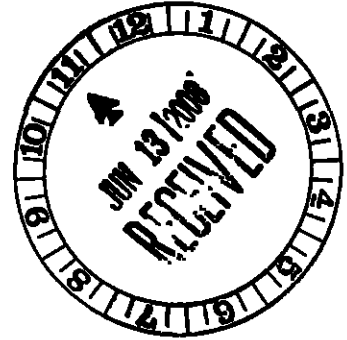
TRACKAGE RIGHTS AGREEMENT

Between

DULUTH, WINNIPEG & PACIFIC RAILWAY COMPANY

And

WISCONSIN CENTRAL LTD.



STB Finance Docket No. 35049

TRACKAGE RIGHTS AGREEMENT

Between

WISCONSIN CENTRAL LTD.

And

DULUTH, MISSABE AND IRON RANGE RAILWAY COMPANY

* * * * *

STB Finance Docket No. 35050

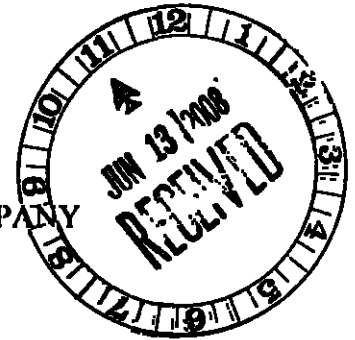
TRACKAGE RIGHTS AGREEMENT

Between

WISCONSIN CENTRAL LTD.

And

DULUTH, WINNIPEG AND PACIFIC RAILWAY COMPANY



NOTICE OF FILING

To: Mr. Dan Elliott
United Transportation Union
14600 Detroit Ave.
Cleveland, OH 44107-4205

PLEASE TAKE NOTICE that we have on this 12th day of June, 2008, sent for filing with the Surface Transportation Board, the attached Motion to Continue Proceeding in Abeyance in the above captioned matter, a copy of which is hereby served upon you

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Tom Healey".

Thomas J. Healey
Counsel – Regulatory
CN
17641 S. Ashland Avenue
Homewood, IL 60430
Tel (708) 332-4381
Fax (708) 332-4361

Date: June 12, 2008

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

* * * * *

STB Finance Docket No. 35045

TRACKAGE RIGHTS AGREEMENT
Between
DULUTH, MISSABE AND IRON RANGE RAILWAY COMPANY
And
DULUTH, WINNIPEG AND PACIFIC RAILWAY COMPANY

* * * * *

STB Finance Docket No. 35046

TRACKAGE RIGHTS AGREEMENT
Between
DULUTH, WINNIPEG AND PACIFIC RAILWAY COMPANY
And
DULUTH, MISSABE AND IRON RANGE RAILWAY COMPANY

* * * * *

STB Finance Docket No. 35047

TRACKAGE RIGHTS AGREEMENT
Between
DULUTH, MISSABE AND IRON RANGE RAILWAY COMPANY
And
WISCONSIN CENTRAL LTD.

* * * * *

STB Finance Docket No. 35048

TRACKAGE RIGHTS AGREEMENT
Between
DULUTH, WINNIPEG & PACIFIC RAILWAY COMPANY
And
WISCONSIN CENTRAL LTD.

STB Finance Docket No. 35049

TRACKAGE RIGHTS AGREEMENT

Between

WISCONSIN CENTRAL LTD

And

DULUTH, MISSABE AND IRON RANGE RAILWAY COMPANY

* * * * *

STB Finance Docket No. 35050

TRACKAGE RIGHTS AGREEMENT

Between

WISCONSIN CENTRAL LTD.

And

DULUTH, WINNIPEG AND PACIFIC RAILWAY COMPANY

MOTION TO CONTINUE PROCEEDING IN ABEYANCE

Respectfully submitted,

Thomas J. Healey
Counsel – Regulatory
CN
17641 S. Ashland Avenue
Homewood, IL 60430
Tel: (708) 332-4381
Fax (708) 332-4361

Date June 12, 2008

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Finance Docket No. 35045

TRACKAGE RIGHTS AGREEMENT

Between

DULUTH, MISSABE AND IRON RANGE RAILWAY COMPANY

And

DULUTH, WINNIPEG AND PACIFIC RAILWAY COMPANY

*** * * * ***

STB Finance Docket No. 35046

TRACKAGE RIGHTS AGREEMENT

Between

DULUTH, WINNIPEG AND PACIFIC RAILWAY COMPANY

And

DULUTH, MISSABE AND IRON RANGE RAILWAY COMPANY

*** * * * ***

STB Finance Docket No. 35047

TRACKAGE RIGHTS AGREEMENT

Between

DULUTH, MISSABE AND IRON RANGE RAILWAY COMPANY

And

WISCONSIN CENTRAL, LTD.

*** * * * ***

STB Finance Docket No. 35048

TRACKAGE RIGHTS AGREEMENT

Between

DULUTH, WINNIPEG & PACIFIC RAILWAY COMPANY

And

WISCONSIN CENTRAL LTD.

STB Finance Docket No 35049

TRACKAGE RIGHTS AGREEMENT

Between

WISCONSIN CENTRAL LTD.

And

DULUTH, MISSABE AND IRON RANGE RAILWAY COMPANY

* * * * *

STB Finance Docket No. 35050

TRACKAGE RIGHTS AGREEMENT

Between

WISCONSIN CENTRAL LTD.

And

DULUTH, WINNIPEG AND PACIFIC RAILWAY COMPANY

MOTION TO CONTINUE PROCEEDING IN ABEYANCE

COMES NOW Wisconsin Central Ltd., Duluth, Winnipeg and Pacific Railway Company, and Duluth, Missabe and Iron Range Railway Company (collectively "CN"), and request that the Surface Transportation Board ("STB") continue in abeyance for a period of sixty (60) days any further proceedings on the Petitions to Revoke Exemptions (collectively "Petitions"), filed by United Transportation Union ("UTU") in the six referenced dockets. CN and UTU continue to work toward reaching an agreement as to the issues raised in UTU's Petitions, but have not yet reached agreement. UTU's counsel has granted the undersigned counsel authority to indicate UTU's concurrence with same.

In furtherance of this Motion, CN states as follows:

1. On June 14, 2007, CN filed Notices of Exemption governing six separate trackage rights agreements among several rail carriers owned and controlled by Canadian National Railway Company. Concurrently, CN filed a Motion for Protective Order in

each docket. The Motions for Protective Order were granted by order dated June 28, 2007, and each of the exemptions became effective on July 14, 2007.

2. On July 23, 2007, UTU filed the Petitions, seeking to have the six exemptions revoked on the allegation that the sole purpose of the exemptions was to circumvent existing collective bargaining agreements.

3. On August 15, 2007, the STB entered an order granting the joint motion of CN and UTU to hold the consideration of UTU's Petitions in abeyance for a period of sixty (60) days, to allow the parties to attempt to negotiate an amicable resolution.

4. Subsequent to the entry of the August 15, 2007 order, CN and UTU engaged in discussions regarding the implementation of the authority granted in the exemptions. However, no agreement was reached, and therefore the STB entered an order on October 11, 2007, granting a joint motion to continue the date for CN's responses to December 14, 2007.

5. The parties further requested an additional sixty (60) days to reach an agreement. The STB granted this extension of time, and the sixty (60) day period ended on February 12, 2008.

6. On February 11, 2008, the parties again requested an additional sixty (60) days to reach an agreement. The STB granted this extension of time, and that sixty (60) day period ended on April 14, 2008.

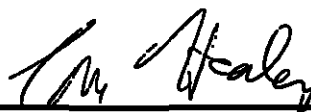
7. On April 11, 2008, the parties requested an additional sixty (60) days to reach an agreement. The STB granted this extension of time, and that sixty (60) day period will end on June 13, 2008.

8 The parties have still not reached any agreement on the matters raised by UTU in these dockets. However, the parties agreed to continue to work toward an agreement over the next sixty (60) days. Therefore, by mutual agreement, the parties move the STB to enter an order extending the response date for CN to UTU's Petitions for an additional sixty (60) days, to August 12, 2008.

9. Counsel for UTU has granted the undersigned counsel authority to indicate UTU's concurrence with same.

WHEREFORE, Wisconsin Central Ltd., Duluth, Winnipeg and Pacific Railway Company, and Duluth, Missabe and Iron Range Railway Company respectfully request that the STB hold consideration of UTU's Petitions in abeyance for an additional period of sixty (60) days while the parties meet to reach an agreement.

Respectfully submitted,

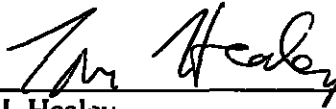


Thomas J. Healey
Counsel – Regulatory
CN
17641 S. Ashland Avenue
Homewood IL 60430
Tel (708) 332-4381
Fax: (708) 332-4361

June 12, 2008

CERTIFICATE OF SERVICE

I, Thomas J Healey, hereby certify that on this 12th day of June, 2008, copies of the foregoing Motion To Hold Proceeding In Abeyance have been served by first class mail, postage prepaid, or by more expeditious means of delivery upon all parties of record to this proceeding identified on the Surface Transportation Board's website.

A handwritten signature in black ink, appearing to read 'Tom Healey', is written over a horizontal line.

Thomas J. Healey
Attorney for
Wisconsin Central Ltd
Duluth, Winnipeg and Pacific Railway Company
Duluth, Missabe and Iron Range Railway Company